

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION


RONALD D. WHITE, JR., :
 :
Plaintiff, :
 : Case No. 3:11-cv-113
vs. :
 : JUDGE WALTER HERBERT RICE
HEWITT BENEFIT RESOURCES, et al., :
 :
Defendants :

DECISION AND ENTRY OVERRULING WITHOUT PREJUDICE PLAINTIFF'S MOTION
FOR DEFAULT JUDGMENT AGAINST SCI FUNERAL & CEMETERY PURCHASING
COOPERATIVE, INC. (DOC. #25)

This matter is currently before the Court on Plaintiff's Motion for Default Judgment against Defendant SCI Funeral & Cemetery Purchasing Cooperative, Inc. Doc. #25. Federal Rule of Civil Procedure 55, governing default, sets forth a two-step process. First, pursuant to subsection (a), the Clerk must enter default. Then, pursuant to subsection (b), default judgment may be entered.

Because Plaintiff in this case has not yet applied for the entry of default, and no default has been entered on the record, the Motion for Default Judgment is premature. The Court therefore OVERRULES that motion (Doc. #25) without prejudice to refiling once default has been entered.

Date: November 3, 2011



WALTER HERBERT RICE
UNITED STATES DISTRICT JUDGE

Copies to: Counsel of Record